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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,397	08/30/2001	Aaron S. Witt	D/A1466	8229

7590 05/17/2005

Patent Documentation Center  
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Rochester, NY 14644

EXAMINER
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HO, ANDY

ART UNIT	PAPER NUMBER
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2194

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,397

Applicant(s)

WITT ET AL.

Examiner

Andy Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/14/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to the amendment filed 1/14/2005.
2. Claims 1-3, 5-9 and 17-20 have been examined and are pending in the application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-6, 8-9 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shih U.S Patent No. 6,798,545 in view of Lo U.S Patent No. 5,911,044.

**As to claim 1**, Shih teaches a method of scanning a document (Fig. 4), comprising:

recording, at a scanner, the document to yield digital image data (...the scanning module 46 scan a document 48 and generate associate document image signals..., lines 66-67 column 2);

entering, substantially at the scanner, destination information relating to a destination computer to which the digital image data is desired to be sent (using the touch-sensitive panel of the scanner to enter the email address of the

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destination or personal computer where the image should be sent to, lines 39-64 column 3, lines 32-41 column 4);

sending the image data to the destination computer (...the document image signals are transmitted across the network in an electronic mail format to the device 64; the electronic device 64 could be a personal computer, the application program 80 being a document scan processing program, and the document image signals are transmitted to the personal computer through the communication circuit control program 78..., lines 50-64 column 3). Shih does not explicitly teach sending data to a destination port of the destination computer, polling the port for image data, and the destination computer initiating an image acquisition program in response to detecting the image data at a destination port.

Lo teaches a system of scanning image wherein the image is also being sent from the scanner to a destination port (image being sent to port 108 of client 102, Fig. 3) of the destination computer (...a network scanning system which allows an application program running on a client computer to control and receive information from an image scanner over a computer network, in a manner which is similar to having the scanner directly connected to the client computer..., lines 11-16 column 2); the destination computer polling the destination port for incoming image data (client computer can access image file stored locally in the client computer, lines 28-30 column 3); wherein the destination computer (client 102, Fig. 3) initiating an image acquisition program (...an application program 104 such as a program which acquires images. The application program may also process the image data which is acquired..., lines 43-45 column 6) in

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response to detecting the image data at a destination port (image being sent to port 108 of client 102, Fig. 3). It would have been obvious to apply the teachings of Lo to the system of Shih because the user can use the image in its running application as disclosed by Lo (lines 41-65 column 6).

**As to claim 2**, Shih as modified further teaches entering destination file information relating to a destination file in the destination computer to which the digital image data is desired to be sent (using the touch-sensitive panel of the scanner to enter the email address of the destination or personal computer where the image should be sent to, lines 39-64 column 3, lines 32-41 column 4).

**As to claim 3**, Shih as modified further teaches the sending step having no intermediate computer operatively disposed between the scanner and the destination computer associated therewith (scanning image being sent directly from the scanner to the personal computer, lines 50-64 column 3).

**As to claim 5**, Shih as modified further teaches the entering step occurring at the scanner (using the touch-sensitive panel of the scanner to enter the email address of the destination or personal computer where the image should be sent to, lines 39-64 column 3, lines 32-41 column 4).

**As to claim 6**, Lo further teaches the destination computer initiating an image management program in response to detecting the image data at the destination port (...an application program 104 such as a program which acquires images. The application program may also process the image data which is acquired..., lines 43-45 column 6).

**As to claim 8**, it is a method claim of claims 13 and 15. Therefore, it is rejected for the same reasons as claims 13 and 15 above.

**As to claim 9**, it is a method claim of claims 13 and 16. Therefore, it is rejected for the same reasons as claims 13 and 16 above.

**As to claim 17**, Shih as modified further teaches the entering step including submitting a template (inputting an email address, lines 33-36 column 4).

**As to claim 18**, Shih as modified further teaches the template relating to a network address of a possible destination computer (email address of a computer, lines 50-54 column 3, lines 33-41 column 4).

**As to claim 19**, Shih as modified further teaches the template relating to a file (email processing program, line 51 column 3) residing in a possible destination computer.

**As to claim 20**, Shih as modified further teaches the submitting including selecting a template from a menu (the user of a computer to enter information of destination computer, lines 45-61 column 4).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shih in view of Lo, and further in view of Microsoft PressPass 1999 publication.

**As to claim 7**, Shih as modified does not explicitly teach the image acquisition program emulates functions of a digital camera. Microsoft PressPass teaches the use of Microsoft Windows Image Acquisition Scanner and Camera Wizard as the image acquisition program for capturing, viewing, manipulating

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and publishing still images (first discussion paragraph page 1). It would have been obvious to apply the teachings of Microsoft PressPass to the system of Lo because the use of Microsoft Windows Image Acquisition Scanner and Camera Wizard as the image acquisition program is well known in the art is disclosed by Microsoft PressPass.

### ***Response to Arguments***

5. Applicant's arguments filed 1/14/2005 have been fully considered but they are not persuasive.

Applicant argued that Lo reference does not teach directly sending image data from the scanner to the destination computer, that is no intermediate computer operatively disposed between the scanner and the destination computer associated therewith (Remarks, last paragraph page 5 continues to last paragraph page 7). In response, as disclosed in the rejections of claims 1 and 3 above, Shih reference was used to teach this limitation, not Lo reference.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory

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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:


Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.
- OFFICAL faxes must be signed and sent to (703) 872 - 9306.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

  
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